

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT E. JOHNSON,

Plaintiff,

v.

HAROLD CLARKE *et al.*,

Defendants.

Case No. C05-5401FDB

ORDER ON PENDING MOTIONS

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff is not proceeding *in forma pauperis* and paid the full filing fee. (Dkt. # 1, receipt # 513451). Plaintiff has had some difficulty in serving this action. He has filed:

1. A motion to compel the defendants to pay the cost of service. (Dkt. # 6).
2. A motion for an extension of time to have the defendants served. (Dkt. # 9).
3. A motion for leave to proceed *in forma pauperis* after paying the filing fee. (Dkt. # 12).
4. A motion to withdraw the motion to compel the defendants to pay for service. (Dkt. # 14).

The defendants, through Assistant Attorney General Margaret Stanhope, entered a notice of appearance **WAIVING SERVICE** on October 6<sup>th</sup>, 2005. (Dkt. # 7). The defendants oppose the

ORDER

1 motion to compel payment of service costs and extension of time to serve in light of their wavier of  
2 service. (Dkt. # 8 and 13).

3 Defendants waiver of service renders all of plaintiff's motions including the motion for *in*  
4 *forma pauperis* status moot. The waiver allows this case to continue and properly expedites the  
5 courts business. *In forma pauperis* status does not waive any cost other than service and only defers  
6 payment of a filing fee for an inmate, thus, *in forma pauperis* status at this stage of the proceeding  
7 would be of no benefit to plaintiff.

8 In light of defendants waiver all pending motions are **DENIED**.

9 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

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11 DATED this 31<sup>st</sup> day of October, 2005.

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14 /S/ J. Kelley Arnold  
15 J. Kelley Arnold  
16 United States Magistrate Judge  
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28 ORDER